

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION**

UNITED STATES OF AMERICA
ex rel. ADAM GREMILLION and the State
of Texas *ex rel.* ADAM GREMILLION,

Plaintiff,

V.

EMPOWER PHARMACEUTICALS, LLC,
SHAUN NOORIAN, LARRY LIPSHULTZ,
M.D., and MOHIT KHERA, M.D.,

Defendants.

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Civil Action No.: 4:19-cv-621-ALM

FILED UNDER SEAL
(Pursuant to 31 U.S.C. § 3730(b))

**UNITED STATES' NOTICE OF
ELECTION TO DECLINE INTERVENTION**

Pursuant to the False Claims Act, 31 U.S.C. § 3730(b)(4)(B), the United States notifies the Court of its decision not to intervene in this action. Although the United States declines to intervene, we respectfully refer the Court to 31 U.S.C. § 3730(b)(1), which allows the Relator to maintain the action in the name of the United States; provided, however, that the “action may be dismissed only if the court and the Attorney General give written consent to the dismissal and their reasons for consenting.” *Id.* Therefore, the United States requests that, should either the Relator or the Defendants to propose that this action be dismissed, settled, or otherwise discontinued, this Court solicit the written consent of the United States before ruling or granting its approval.

Furthermore, pursuant to 31 U.S.C. § 3730(c)(3), the United States requests that all pleadings filed in this action be served upon the United States; the United States also requests that orders issued by the Court be sent to the Government's counsel. The United States reserves its right to order any deposition transcripts, to intervene in this action, for good cause, at a later date,

and to seek the dismissal of the Relator's action or claim. The United States also requests that it be served with all notices of appeal.

Finally, the Government requests that the Relator's current complaint, this Notice, and the attached proposed Order be unsealed. The United States requests that all other papers on file in this action remain under seal because, in discussing the content and extent of the United States' investigation, such papers are provided by law to the Court alone for the sole purpose of evaluating whether the seal and time for making an election to intervene should be extended.

A proposed order accompanies this notice.

Respectfully submitted,

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/s/ Adrian Garcia
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**ATTORNEYS FOR THE
UNITED STATES OF AMERICA**

CERTIFICATE OF SERVICE

I hereby certify on this 5th day of May 2023, I caused a copy of this notice to be served on Relator's counsel via electronic mail.

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Because this action is under seal pursuant to 31 U.S.C. §§ 3729-3733, Defendants have not been served with copies of the foregoing filing.

/s/ Adrian Garcia
ADRIAN GARCIA